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**MEMO ENDORSED**

**Edward M. Grushko**  
**Barbara R. Mittman**

**Ellezer Drew - Admitted NY/NJ**

April 14, 2008

Honorable Colleen McMahon  
United States District Judge  
United States District Courthouse  
500 Pearl Street  
New York, NY 10007

Re: Looney v. Longview Fund, L.P. et al.  
08 Civ. 1069 (CM)

Dear Judge McMahon:

I am counsel to Longview Fund, L.P. which is named as a Defendant in the captioned matter. I received a copy of the letter dated April 11, 2008 to Your Honor from Jason A. Nagi.

To the best of my knowledge, the entities named as Defendants in the captioned matter have not been served with the summons and complaint, have not appeared, and are not yet required to appear, in the action. I am not, and I have never been, authorized to accept service of the summons and complaint and behalf of any Defendant. I never did so and never told anyone that I could do so. I received no notice of any conference scheduled by the Court on April 4, 2008. I just now received notice that the Court has rescheduled the conference for May 2, 2008.

I respectfully request, therefore, that the Court defer scheduling any conference in this matter until the summons and complaint have in fact been served and affidavits of service have been filed with the Court. In that manner the parties will be properly before the Court before the Court takes any action.

Respectfully,

Edward Grushko

cc: Jason Nagi, Esq. (by fax)

by fax: 212-805-6326

USDS SDNY  
DOCUMENT  
ELECTRONICALLY FILED

DOC #:

DATE FILED: 4/15/08

*Plaintiff should immediately take steps to serve & file conference case take place*

*May 2, 2008 as scheduled*



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**DATE:** April 14, 2008

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**TO:** HONORABLE COLLEEN McMAHON

**COMPANY NAME:** UNITED STATES DISTRICT COURT

**RECIPIENT'S FAX NUMBER:** (212) 805-6326

**MESSAGE:**

Re: Looney v. Longview Fund, L.P. et al.  
08 Civ. 1069 (CM)

*From the desk of:*

**EDWARD M. GRUSHKO**  
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